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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,152

10/31/2003

Flabio Cavalehiro

1479

7590

05/09/2005

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New York, NY 10017

EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,152

Applicant(s)

CAVALHEIRO, FLABIO

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Specification

The use of the trademark Velcro has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. The trademark terms should be completely capitalized in the specification, such as VELCRO. Trademarks are not permitted in the claims and must be removed and replaced with the generic terminology, such as hook and loop material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

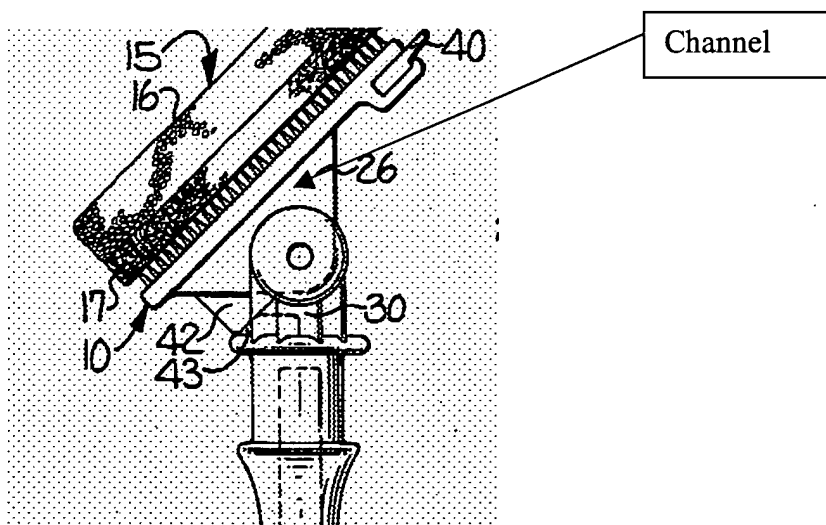
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Graham (USPN 4455705).

Graham teaches a cleaning device comprising a cleaning member (figure 1, element 15) with a first surface having a scouring surface of loop material (figure 1, element 17) (claims 1 and 8) and a second surface comprising a sponge (figure 1, element 16) (claim 10). There is a base plate (figure 1, element 10) having a plurality of projections (figure 1, element 20) arranged in rows and columns for gripping the first surface of the cleaning member (claim 1, 6). The projections each have a top segment having opposing ends (figure 6, element 21) and an

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intermediate section separating the top segment from the base plate by a predefined distance (claim 2). The opposing ends of the projections each have free ends, which terminate at substantially a point, and therefore the opposing ends have a cross section that is thicker at the connection of said ends to the top segment than at said free ends (figure 7) (claims 2, 3, 4). The intermediate section having bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the cross section is thicker at the bottom end than at the top end (figures 6 and 7) (claim 3). The distance between the end of each free end is *substantially* the same as the distance between the top end and the bottom end of the intermediate segment (figure 7) (claim 5). The base plate comprises a handle member (figure 1, element 25) including a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand and the grasping means is removable from the base plate (figure 5). The handle has a channel formed between a bottom surface of the handle and the base plate. The channel is configured in such a manner as to accept at least part of a user's finger when the handle is grasped (see figure below) (claim 1).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

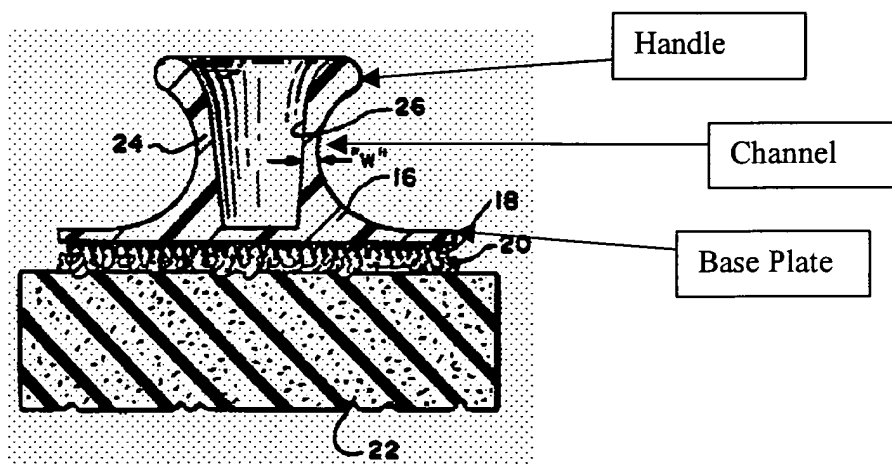
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (USPN 5003659) in view of Lacey et al. (PGPub 2002/0125605).

Paepke teaches a cleaning device comprising a cleaning member (figure 4, element 22) with a first surface having a scouring surface of loops material (figure 4, element 20) (claims 1a and 8) and a second surface comprising a sponge (figure 4, element 22) (claim 10). There is a base plate (figure 4, element 16) having a plurality of projections (figure 4, element 18) arranged in rows and columns for gripping the first surface of the cleaning member (claims 1 and 6). The base plate comprises a handle member (figure 2, element 12) including a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand and the grasping means is integral with the base plate. The handle has a channel formed between a bottom surface of the handle and the base plate. The channel is configured in such a manner as to accept at least part of a user's finger when the handle is grasped (figure 8, element R) (col. 3, lines 12-19) (claim 1) (see figure below). Paepke teaches all the essential elements of the claimed invention however fails to teach the exact style of hook/projection is used. Lacey teaches fastening hooks that each have a top segment having opposing ends (figure 18, element 402) and an intermediate section (figure 18, element 404) separating the top segment from the base plate by a predefined distance. The opposing ends of the projections each have free ends,

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which terminate at substantially a point (figure 1, element 406), and therefore the opposing ends have a cross section that is thicker at the connection of said ends to the top segment than at said free ends (figure 18). The intermediate section having bottom end defined by the connection of the intermediate section to the base plate and a top end defined by the connection of the intermediate section to the top segment, wherein the cross section is thicker at the bottom end than at the top end (figure 18). The distance between the end of each free end is *substantially* the same as the distance between the top end and the bottom end of the intermediate segment (figure 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the hooks as taught by Lacey as the fastening means on Paepke since the hooks of Lacey have increased loop-engaging and loop-retaining characteristics which leads to better fastener performance (paragraphs [0144-0147]). Additionally, the hooks as taught by Paepke and the hooks as taught by Lacey are equivalent structures known in the art. Therefore, because these two fastening means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the hooks of Lacey for the hooks of Paepke.



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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Garcia (USPN 5419015) or Paepke (USPN 5003659) in view Lacey et al. (PGPub 2002/0125605) as applied to claim 7 above and in further view of Garcia (USPN 5419015).

Graham or Paepke in view of Lacey both teach all the essential elements of the claimed invention however fail to teach a cleaning member with a third surface comprising a scouring pad. Garcia teaches a cleaning member that comprises a first surface of loop material (figure 8, element 32), a second surface of sponge material (figure 8, element 33) and a third surface of an abrasive material such as a scouring pad (figure 8, element 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a scouring pad to the sponge surface of Graham or Paepke in view of Lacey's cleaning member as taught by Garcia so as to increase the cleaning capabilities and versatility of the device.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (USPN 5003659) in view of Lacey et al. (PGPub 2002/0125605) and Garcia (USPN 5419015) as applied to claim 9 above and further in view of Hortel et al. (USPN 6233771).

Paepke in view of Lacey and Garcia teaches all the essential elements of the claimed invention including that handle member including a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand and the grasping means is integral with the base plate. Paepke in view of Lacey and Garcia however fail to teach that the handle is a sphere (as stated in claims 11, option i). Hortel teaches a spherical handle attached to a cleaning member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a spherical handle on Paepke in view of Lacey and

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Garcia's invention for ergonomic purposes since it would fit more comfortably in the user's hand and also create less stress and fatigue when in use.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (USPN 5003659) in view of Lacey et al. (PGPub 2002/0125605) and Garcia (USPN 5419015) as applied to claim 10 above and further in view of Hortel et al. (USPN 6233771).

Paepke in view of Lacey and Garcia teaches all the essential elements of the claimed invention including that handle member including a grasping means that is curved throughout and configured to closely conform to the curvature of the inside of a user's hand and the grasping means is integral with the base plate. Paepke in view of Lacey and Garcia however fail to teach that the handle is a sphere (as stated in claims 11, option i). Hortel teaches a spherical handle attached to a cleaning member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a spherical handle on Paepke in view of Lacey and Garcia's invention for ergonomic purposes since it would fit more comfortably in the user's hand and also create less stress and fatigue when in use.

Applicant's Arguments

Claim 1 further specifies that the handle has a channel formed between a bottom surface of the handle and the base plate. None of the references teach this limitation.

Response to Arguments

Applicant's arguments filed 4/8/05 have been fully considered but they are not persuasive. Graham's cleaning device may be held in such a manner that a portion of the user's finger (tip) may fit within the channel as shown in the above figure. Paepke clearly teaches a channel for receiving a portion of the finger as stated in col. 3, lines 12-19 and as shown in figure

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4. Note that the Kilburn reference has been dropped since there is not a channel located between the handle and base plate.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

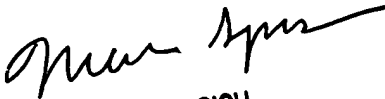
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
5/3/05


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